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# Report to the 115th Legislature on the Substance Abuse Testing Law for Calendar Year 1991

Maine Department of Labor

Maine Bureau of Labor Standards

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## MAINE DEPARTMENT OF LABOR BUREAU OF LABOR STANDARDS

### REPORT TO THE 115TH LEGISLATURE ON THE SUBSTANCE ABUSE TESTING LAW FOR CALENDAR YEAR 1991

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This report fulfills the Department of Labor's requirement to report to the "joint standing committee having jurisdiction over labor matters" as set out in the Maine Substance Abuse Testing Law. Most of the information contained in this report is relevant only to activities under the Maine law and is not indicative of similar activities under Federally mandated testing programs. This report should not be taken as a comprehensive study of workplace substance abuse testing.

The Maine Substance Abuse Testing Law, 1989 Public Law, Chapter 536, controls employer testing for substances of abuse when not done in response to federal mandates. It creates responsibilities for the Department of Human Services, Health and Environmental Testing Laboratory, the Office of Substance Abuse, and the Department of Labor. The Department of Labor responsibilities were assigned to the Bureau of Labor Standards. Calendar 1991 was the second full year that the law regulated employer substance abuse testing in Maine.

During calendar 1991, the Department of Labor received 71 policies for review and had completed a review of all but eight. This number includes multiple applications made in response to denials or request for revisions. In all, 48 employers submitted policies.

By the end of 1991, a total of 75 policies had been approved. All of these policies provide for applicant testing. Only seven call for employee probable cause testing, while three provide for random or arbitrary testing in addition.

The Department surveyed all employers with approved plans for this report. The survey showed that 3,214 applicants had been tested with 133 (4.1%) confirmed positive tests. There were 75 employee random or arbitrary tests with 4 (5.3%) positives reported. There were no employee probable cause tests reported.

The Health and Environmental Testing Laboratory licensed six additional laboratories for substance abuse testing bringing the total of licensed laboratories to 17.

The Office of Substance Abuse approved only one employee assistance program (EAP) bringing the total of employers with approved programs to 15.

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## Section I - Agency Review and Approval

### Department of Labor - Policy Review and Approval.

The Department of Labor received 71 individual policy submissions from 48 employers. The number of individual policies reviewed is larger because policy denials, resubmissions, revisions and amendments are counted separately. The Department staff completed 63 reviews, including one hold-over from the previous year. As of December 31, 1991, there were eight policies pending the Department's review.

Table 1  
Number of Employers Submitting Policies by  
Latest Action and Year Received  
(includes amendments),  
Maine, 1991

|                    | <u>Reviewed<br/>in 1991</u> | <u>First Receipt<br/>in 1991</u> | <u>First Receipt<br/>in Prior Year</u> |
|--------------------|-----------------------------|----------------------------------|--|
| Total              | 48                          | 39                               | 9                                      |
| Approval           | 30                          | 22                               | 8                                      |
| Revision Requested | 6                           | 5                                | 1                                      |
| Denied             | 4                           | 4                                | -                                      |
| Review Pending     | 8                           | 8                                | -                                      |

The time necessary for policy review varied based on workloads other than substance abuse testing. No additional resources were allocated to the Department for this activity, so all efforts in this area meant other responsibilities were impacted.

The average time from receipt to notification of a new submission was 27 working days. An average of 15 working days was taken to review revisions. This year for the first time employers submitted amendments to existing policies, these averaged 22 working days. Combining these categories results in an overall average of 21 working days. Denials generally took longer than approvals. Excluding one unusual case, the approval average for revisions would drop from 14 to 8 days.

**Table 2**  
**Average Time for Review of Policies, Policy Revisions and**  
**Amendments by Type of Review and Action Taken on Review**  
**(in working days from receipt to notification),**  
**Maine, 1991**

|                  | <u>Total</u> | <u>Approved</u> | <u>Denied</u> | <u>Revisions Requested</u> |
|------------------|--------------|-----------------|---------------|----------------------------|
| Average Review   | 21           | 16              | 28            | 26                         |
| Initial Review   | 27           | 21              | 34            | 28                         |
| Revision Review  | 15           | 14              | -             | 18                         |
| Amendment Review | 22           | 23              | 15            | 38                         |

The following is a list of employers that have had policies approved, showing the date of approval and the type of testing allowed.

| <u>Company Name</u>   | <u>Date Approved</u> | <u>Applicant Testing</u> | <u>Employee Testing</u> | <u>Random or Arbitrary</u> |
|---|----------------------|--------------------------|-------------------------|----------------------------|
| Adams-Russell<br>Anzac Division<br>448 Griffin Road<br>Bangor, ME 04401 | 7/24/90              | X                        |                         |                            |
| Allstate Insurance Co.<br>Allstate Plaza<br>Northbrook, IL 60062        | 4/11/91              | X                        |                         |                            |
| Ansewn Shoe Co.<br>P. O. Box 1428<br>Bangor, ME 04401                   | 7/24/90              | X                        |                         |                            |
| Arrow Hart Wiring Devices<br>1 Cressey Rd.<br>Brunswick, ME 04011       | 7/24/90              | X                        |                         |                            |
| Bath Iron Works Corp.<br>700 Washington Street<br>Bath, ME 04530        | 2/26/90              | X                        |                         |                            |
| B E & K<br>P O Box 2332<br>Birmingham, AL 35201                         | 6/3/91               | X                        |                         |                            |
| Boise Cascade Corp.<br>One Jefferson Square<br>Boise, ID 83728          | 3/19/90              | X                        | X                       | X                          |

| Company<br>Name  | Date<br>Approved | Applicant<br>Testing | Employee<br>Testing | Random or<br>Arbitrary |
|--|------------------|----------------------|---------------------|------------------------|
| Central Maine Power Co.<br>Edison Drive<br>Augusta, ME 04336                   | 10/18/90         | X                    |                     |                        |
| Champion International<br>Corporation<br>P. O. Box 1200<br>Bucksport, ME 04416 | 3/23/90          | X                    |                     |                        |
| Cianbro Corp.<br>Hunnewell Square<br>Pittsfield, ME 04967                      | 2/26/90          | X                    | X                   | X                      |
| Citibank<br>100 Foden Road<br>South Portland, ME 04106                         | 3/29/90          | X                    | X                   |                        |
| Cives Steel Company<br>P. O. Box 850<br>Augusta, ME 04330                      | 10/18/90         | X                    |                     |                        |
| CYRO Industries<br>P. O. Box 591<br>Sanford, ME 04073                          | 7/24/90          | X                    |                     |                        |
| D & G Machine Products<br>P O Box 2619<br>South Portland, ME 04116             | 7/31/91          | X                    |                     |                        |
| Dennis Beverage Co.<br>1017 School St.<br>P O Box 1452<br>Bangor, ME 04401     | 12/4/91          | X                    |                     |                        |
| Eastern Fine Paper Inc.<br>P O Box 129<br>Brewer, ME 04412                     | 4/23/91          | X                    |                     |                        |
| Eastern Maine Health Care<br>489 State Street<br>Bangor, ME 04401              | 1/15/91          | X                    |                     |                        |
| Edwards Co. Inc.<br>5 North Main Street<br>Pittsfield, ME 04967                | 5/28/91          | X                    |                     |                        |
| Ellsworth Builders Supply<br>State Street<br>Ellsworth, ME 04605               | 9/25/90          | X                    |                     |                        |

| Company<br>Name   | Date<br>Approved | Applicant<br>Testing | Employee<br>Testing | Random or<br>Arbitrary |
|---|------------------|----------------------|---------------------|------------------------|
| Environmental Investments<br>38 Alden Street<br>Bangor, ME 04401                                  | 9/25/90          | X                    |                     |                        |
| Environmental Leasing Co.<br>38 Alden Street<br>Bangor, ME 04401                                  | 9/25/90          | X                    |                     |                        |
| FMC Corporation<br>Box 308<br>Rockland, ME 04841  | 3/22/90          | X                    |                     |                        |
| Fiber Materials, Inc.<br>Biddeford Industrial Park<br>Biddeford, ME 04005                         | 6/27/90          | X                    |                     |                        |
| General Electric Company<br>135 Rodman Road<br>Auburn, ME 04210                                   | 10/18/90         | X                    |                     |                        |
| General Electric Company<br>534 Griffin Road<br>Bangor, ME 04401                                  | 5/24/90          | X                    |                     |                        |
| Georgia Pacific Corp.<br>Communication Papers Division<br>Main Street<br>Woodland, ME 04694       | 7/31/91          | X                    |                     |                        |
| Georgia Pacific Corp.<br>Eastern Wood Products<br>P O Box 0<br>Ashland, ME 04732                  | 4/23/91          | X                    |                     |                        |
| Georgia-Pacific Corp.<br>Northern Paper Div.<br>One Katahdin Avenue<br>Millinocket, ME 04462-1398 | 12/21/90         | X                    |                     |                        |
| Gibbs & Cox Inc.<br>50 West 23rd Street<br>New York, NY 10010                                     | 8/7/91           | X                    |                     |                        |
| G. E. Goding & Son, Inc.<br>RR#1 Box 395<br>Lincoln, ME 04457                                     | 4/20/90          | X                    |                     |                        |
| GTE Products<br>100 Endicott St.<br>Danvers, MA 01923   | 2/6/91           | X                    |                     |                        |

| Company<br>Name  | Date<br>Approved | Applicant<br>Testing | Employee<br>Testing | Random or<br>Arbitrary |
|--|------------------|----------------------|---------------------|------------------------|
| Hall Services Inc.<br>26 Acme Road<br>Brewer, ME 04412                             | 7/31/91          | X                    |                     |                        |
| Hancock Lumber Co.<br>P O Box 299<br>Casco, ME 04015                               | 4/29/91          | X                    |                     |                        |
| J. M Huber Corp.<br>Easton Department<br>Station Rd.<br>Easton, ME 04740           | 4/29/91          | X                    | X                   |                        |
| Hussey Seating Company<br>North Berwick, ME 04906                                  | 12/24/90         | X                    |                     |                        |
| Industrial Vacuum Company<br>38 Alden Street<br>Bangor, ME 04401                   | 9/25/90          | X                    |                     |                        |
| International Paper Co.<br>Androscoggin Mill<br>Jay, ME 04239                      | 11/5/90          | X                    |                     |                        |
| International Paper Co.<br>Northeast Region<br>9 Green Street<br>Augusta, ME 04330 | 4/23/91          | X                    |                     |                        |
| James River Corporation<br>P. O. Box 547<br>Old Town, ME 04468                     | 2/26/90          | X                    |                     |                        |
| Keyes Fiber Company<br>P. O. Box 5317<br>Norwalk, CT 06856                         | 7/24/90          | X                    |                     |                        |
| Lemforder Corporation<br>55 Baker Blvd.<br>P O Box 219<br>Brewer, ME 04412         | 12/3/91          | X                    |                     |                        |
| Lincoln Pulp and Paper Co.<br>Katahdin Avenue<br>Lincoln, ME 04457                 | 7/24/90          | X                    |                     |                        |
| Lucas Tree Experts<br>P O Box 958<br>Portland, ME 04104                            | 4/29/91          | X                    |                     |                        |

| Company Name  | Date Approved | Applicant Testing | Employee Testing | Random or Arbitrary |
|---|---------------|-------------------|------------------|---------------------|
| Madison Paper Industries<br>P. O. Box 129<br>Madison, ME 04950-0129                 | 4/19/90       | X                 |                  |                     |
| Maine Poly Inc.<br>P. O. Box 8<br>Greene, ME 04236                                  | 2/26/90       | X                 |                  |                     |
| Maine Public Service Co.<br>P. O. Box 1209<br>Presque Isle, ME 04769                | 6/13/90       | X                 |                  |                     |
| Maine Rubber International<br>21 Saco Street<br>Westbrook, ME 04092                 | 5/15/90       | X                 |                  |                     |
| Mid-State Machine Products<br>1501 Verti Drive<br>Winslow, ME 04901                 | 5/15/90       | X                 | X                | X                   |
| North American Philips Corporation<br>100 E. 42nd Street<br>New York, NY 10017-5699 | 10/4/90       | X                 |                  |                     |
| NorthCenter Foodservice Corporation<br>Dalton Road<br>Augusta, ME 04330             | 9/19/90       | X                 |                  |                     |
| Northeast Air<br>987 Westbrook Street<br>Portland, ME 04101                         | 9/30/91       | X                 |                  |                     |
| Oakhurst Dairy<br>364 Forest Avenue<br>Portland, ME 04101                           | 2/28/90       | X                 |                  |                     |
| Pioneer Plastics Corp.<br>One Pionite Road<br>Auburn, ME 04210-1014                 | 9/19/90       | X                 |                  |                     |
| Pratt & Whitney<br>Wells Road<br>North Berwick, ME 03906                            | 6/22/90       | X                 | X                |                     |
| Rainbow Rugs Inc.<br>185 Summer Street<br>Kennebunk, ME 04043                       | 11/21/90      | X                 |                  |                     |



| Company Name   | Date Approved | Applicant Testing | Employee Testing | Random or Arbitrary |
|--|---------------|-------------------|------------------|---------------------|
| Rock-Tenn Co.<br>Ellis Paperboard Products<br>16 Washington Avenue<br>Scarborough, ME 04074    | 5/28/91       | X                 |                  |                     |
| Saco Defense Inc.<br>291 North Street<br>Saco, ME 04072  | 2/28/90       | X                 |                  |                     |
| St. Johnsbury Trucking Co.<br>119 Jeffrey Avenue<br>Holliston, MA 01746                        | 12/24/90      | X                 |                  |                     |
| Sawyer Environmental<br>Recovery Facilities Inc.<br>358 Emerson Mill Road<br>Hampden, ME 04444 | 4/3/90        | X                 |                  |                     |
| Sawyer Management Services<br>P. O. Box 1388<br>Bangor, ME 04401                               | 4/3/90        | X                 |                  |                     |
| Tom Sawyer, Inc.<br>RR#2 Box 1<br>Freedom Park<br>Bangor, ME 04401                             | 4/3/90        | X                 |                  |                     |
| Seaward Const. Corp.<br>P O Box 1177<br>Portsmouth, NH 03802                                   | 7/31/91       | X                 |                  |                     |
| Service Engineering<br>38 Alden Street<br>Bangor, ME 04401                                     | 9/25/90       | X                 |                  |                     |
| Sonoco Products Co.<br>2 Sargeant Street<br>Holyoke, MA 10040                                  | 7/31/91       | X                 |                  |                     |
| Statler Tissue Company<br>P. O. Box 587<br>Augusta, ME 04330                                   | 2/26/90       | X                 |                  |                     |
| S. W. & B Construction<br>P O Box 1210<br>Lewiston, ME 04240                                   | 4/29/91       | X                 |                  |                     |
| Tilcon of Maine, Inc.<br>P. O. Box 209<br>Fairfield, ME 04937                                  | 10/4/90       | X                 |                  |                     |

| Company Name  | Date Approved | Applicant Testing | Employee Testing   | Random or Arbitrary |
|---|---------------|-------------------|--|---------------------|
| United States Fidelity and Guaranty Co.<br>P. O. Box 1138<br>Baltimore, MD 21203      | 7/24/90       | X                 |  |                     |
| S.D. Warren Co.<br>Northeast Timberlands<br>49 Mountain Avenue<br>Fairfield, ME 04937 | 4/29/91       | X                 |  |                     |
| S.D. Warren Co.-Scott Paper Co.<br>Winslow Mill<br>Winslow, ME 04902                  | 4/29/91       | X                 |  |                     |
| S. D. Warren-Somerset RFD#3<br>Skowhegan, ME 04976                                    | 5/28/91       | X                 |  |                     |
| S.D. Warren Co.-Westbrook<br>89 Cumberland Street<br>Westbrook ME 04092               | 4/29/91       | X                 |  |                     |
| Weyerhaeuser Paper Co.<br>P O Box 9001<br>Westbrook, ME 04092                         | 7/31/91       | X                 |  |                     |
| Wheelabrator Sherman Energy Co.<br><br>P. O. Box 189<br>Sherman Station, ME 04777     | 8/9/91        | X                 | X<br>(Employee portion inactive pending approval of EAP) |                     |
| Wood Structures Inc.<br>Alfred Road Business Park<br>Box 347<br>Biddeford, ME 04005   | 3/25/91       | X                 |  |                     |
| Yorktowne Paper Mills of Maine Inc.<br>721 Water Street<br>Gardiner, ME 04345         | 4/25/90       | X                 |  |                     |

## Health and Environmental Testing Laboratory - Laboratory Review and Approval

At the start of 1991, eleven laboratories were licensed by this office to perform workplace drug testing in Maine. During 1991, six additional laboratories have applied and been approved, resulting in a total of 17 licensed at the end of the year.

The following is a list of the laboratories holding licenses as of the end of 1991.

| Laboratory Name                                 | Address  |
|---|--|
| American Medical Laboratories                   | 11091 Main St.<br>Fairfax, VA 22030  |
| Bioran Medical Laboratories                     | 415 Massachusetts Ave.<br>Cambridge, MA 02139  |
| CompuChem Laboratories Inc.                     | P. O. Box 12652<br>3308 Chapel Hill/Nelson Highway<br>Research Triangle Park, N.C. 27709 |
| Damon Clinical Labs<br>(formerly CBC Clinlab)   | 140 East Ryan Rd.<br>Oak Creek, WI 53154-4599  |
| DrugScan Inc.                                   | 119 Means Rd.<br>Warminster, PA 18974  |
| Laboratory Specialists Inc.                     | 113 Jarrell Drive<br>P. O. Box 435<br>Belle Chasse, LA 70037-0435                        |
| Maryland Medical Laboratory Inc.                | 1901 Sulphur Spring Rd.<br>Baltimore, MD 21227   |
| MEDTOX Bioanalytical                            | 9176 Independence Ave.<br>Chatsworth, CA 91311   |
| MetPath, Inc.                                   | One Malcolm Ave.<br>Teterboro, NJ 07608  |
| National Laboratory Center<br>d/b/a Med Express | 4022 Willow Lake Blvd.<br>Memphis, TN 38118  |
| Nichols Institute<br>Substance Abuse Testing    | 8985 Balboa Ave.<br>San Diego, CA 92123  |
| PharmChem Laboratories                          | 1505A O'Brien Drive<br>Menlo Park, CA 94025  |

| Laboratory Name                                     | Address   |
|---|---|
| Psychiatric Diagnostic Laboratories of America Inc. | 100 Corporate Court<br>South Plainfield, NJ 07080         |
| Roche Biomedical Labs Inc.                          | 1912 Alexander Drive<br>Research Triangle Park, NC. 27709 |
| Roche Biomedical Labs Inc.                          | 1120 Stateline Rd.<br>Southaven, MS 38671                 |
| Roche Biomedical Labs Inc.                          | 69 First Avenue<br>Raritan, NJ 08869                      |
| SmithKline Beecham Clinical Laboratories            | 3175 Presidential Drive<br>Atlanta, GA 30340              |

Office of Substance Abuse - EAP Review and Approval.

Only one of the eleven programs submitted during 1991 was approved . Two were denied while eight were incomplete or are awaiting revisions.

The following is a list of the employers with approved programs as of the end of 1991.

| Company Name                             | Location           |
|--|--------------------|
| Boise Cascade                            | Rumford, ME        |
| Mid-State Machine Products, Inc.         | Winslow, ME        |
| FMC Corporation,<br>Marine Colloids Div. | Rockland, ME       |
| Citibank of Maine                        | South Portland, ME |
| Cianbro Inc.                             | Pittsfield, ME     |
| Pratt & Whitney                          | North Berwick, ME  |
| Smith & Wesson                           | Houlton, ME        |

| Company Name                        | Location           |
|-------------------------------------|--------------------|
| Great Northern Paper                | Millinocket, ME    |
| J. M. Huber Corp.                   | Easton, ME         |
| Georgia-Pacific Corp.               | Woodland, ME       |
| St. Johnsbury Trucking              | Bangor, ME         |
| Champion International<br>Paper Co. | Bucksport, ME      |
| James River Otis                    | Jay, ME            |
| Packaging Corp. of<br>America       | South Portland, ME |
| Saco Defense, Inc.                  | Saco, ME           |

## Section II - Results of Testing

There were 3,289 individual substance abuse tests in 1991 under the Maine Law. This is 354 (9.7%) fewer than last year. Most of these tests were performed on applicants, only 75 were to employees.

### Applicant Testing

Of the 3,214 applicants tested, 133 (4.1%) tested positive. The most common substances of abuse were cannabinoids 78.2%, cocaine 8.3%, and opiates 6.0%. Alcohol, which was third highest last year at 9.4%, was fourth this year with only 3.8%. The fact that not all policies call for testing for all substances, may be a factor in this difference.

The following table shows the results of applicant testing.

Table 3  
Results of Applicant Tests  
Under Approved Policies,  
Maine, 1991

|                   | <u>Tests</u> | <u>As Percent<br/>of All Tests</u> | <u>As Percent<br/>Of Positive Tests</u> |
|-------------------|--------------|------------------------------------|---|
| All Tests         | 3214         | 100.0%                             | -                                       |
| Positive Results* | 133          | 4.1                                | 100.0%                                  |
| Cannabinoids      | 104          | 3.2                                | 78.2                                    |
| Cocaine           | 11           | 0.3                                | 8.3                                     |
| Opiates           | 8            | 0.2                                | 6.0                                     |
| Alcohol           | 5            | 0.2                                | 3.8                                     |
| Barbiturates      | 2            | 0.1                                | 1.5                                     |
| Benzodiazepines   | 1            | -                                  | 0.8                                     |
| Undifferentiated  | 4            | 0.1                                | 3.0                                     |

\* May be less than total of all substances if one or more applicants tested positive for multiple substances.

- Less than .05 percent.

### Employee Testing

There were no employee probable cause tests reported. All 75 employee tests fell under the random or arbitrary testing provisions of the law. Of these tests, there were 4 confirmed positives or 5.3%. Three of the positives were for cannabinoids, the other for alcohol.

### Section III - Description of Experiences

#### Maine Department of Labor, Bureau of Labor Standards

The review of employer substance abuse testing policies has become routine. The fact that there were no additional staff resources allocated for this responsibility manifests itself in periodic backlogs of up to three month's receipts. The average time in working days from receipt to notice of decision did decrease by 9.5% from the 1990 figure, but this was due largely to the policies submitted being better fitted to the law. This is particularly true of applicant-only policies. This appears to be a sign of better understanding, if not acceptance, of the law. Almost all denials during the year were to employers headquartered out-of-state that were trying to gain approval of existing nationwide policies with minimal modification.

Another review-related problem that arose this year is the advent of union sponsored testing programs, whereby members are tested and issued a "drug-free" card if they test negative. The statute does not give the Department authority to review and approve union programs directly. On the other hand, an employer is clearly responsible for any substance abuse testing that they "require, request or suggest." Therefore, it appears that to use the results of union sponsored tests, the employer must have an approved policy treating the union as a contractor providing sample collection, testing and rehabilitation services for that employer's employee. This theory is still being examined so no policies of this type have been approved.

Another problem that is on the horizon is how to treat policies that are no longer in compliance through no fault of the employer. As an example, a change in the law in the future may invalidate a portion of some, or even all, approved policies. The Bureau does not have the resources to reopen all the existing policies for review and revision. Another way this could happen, and is likely to occur in early 1992, is if a licensed laboratory does not renew its license with the Health and Environmental Testing Laboratory. Beyond the administrative question, as to how to inform the affected employers, is the legal question, as to when tests at such a lab are to be considered invalid.

SmithKline Beecham Clinical Laboratories, one of the nations largest substance of abuse testing companies\*, publishes an annual report of testing results. For 1991, they had overall 8.8% positive results. The 4.2% reported for tests performed under approved policies in Maine compares favorably with this figure.

\* SmithKline Beecham claims to process in excess of 15% of all substance abuse tests in the United States.

Another item of interest is the results of a 1990 U. S. Bureau of Labor Statistics follow-up to their 1988 Survey of Employer Anti-Drug Programs. They found that the proportion of employers using substance abuse testing programs had a small but insignificant increase. Underlying this is the finding that just over 31% of the employers who had programs in 1988 had discontinued them by 1990. The report concludes that questions about the cost vs. effectiveness of testing and the changing legal environment were the major factors in these decisions.

#### Health and Environmental Testing Laboratory, Department of Human Services

A few laboratories have been slow to request renewal of their licenses, so the number of licensed laboratories may decline during 1992. These laboratories have been notified and their licenses will be terminated if no response is received.

Overall, the Health and Environmental Testing Laboratory is satisfied with the current number and quality of laboratories available for drug testing in Maine and believes that the testing aspect of the drug testing process is under good control.

#### Office of Substance Abuse

The Office of Substance Abuse experience with the employers during the year revealed that a number of employers who looked at Employee Assistance Programs (EAPs) declined to seek approval feeling that neither they nor their employees could afford such programs given the current economic environment.

Other reasons were heard for the low response, chief among them a feeling that drug testing may not yield the results they hoped for based on the experiences of other employers who had implemented a testing program. A few employers who intended to test both employees and applicants revised their testing plans to include only applicants, thereby avoiding the problems of setting up a comprehensive EAP. On the other hand, several employers that have approved EAPs have yet to establish an employee testing policy.



